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*Attorneys for Plaintiff Cyberlux Corporation
and Donald F. Evans*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CYBERLUX CORPORATION,

Plaintiff,

vs.

AJW PARTNERS, LLC, AJW OFFSHORE,
LTD., AJW QUALIFIED PARTNERS, LLC,
and NEW MILLENNIUM CAPITAL
PARTNERS II, LLC,

Defendants.

DOCKET NO.: 07-cv-7808 (DAB)

Civil Action

**NOTICE OF CROSS-MOTION FOR AN
ORDER TO STAY DEFENDANTS'
DUPLICATIVE STATE ACTION
PURSUANT TO 28 U.S.C. § 2283**

PLEASE TAKE NOTICE that Plaintiff Cyberlux Corporation and Donald F. Evans, by and through their attorneys Saiber Schlesinger Satz & Goldstein, LLC, will move before this Court before the Honorable Judge Batts at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at time to be determined by the Court, for an Order, pursuant to the Anti-Injunction Act, 28 U.S.C. § 2283, to Stay Defendants' second-filed and duplicative state court action of September 17, 2007, Index No. 603098-2007, subsequently removed to this Court from the Supreme Court of the State of New York, New York County.

PLEASE TAKE FURTHER NOTICE that, in support of this Cross-Motion, Plaintiffs will rely upon the Memorandum of Law and the Declaration of Ernest E. Badway, Esq., dated October 15, 2007, in support of the Motion submitted herewith.

Dated: New York, New York
October 15, 2007

Respectfully submitted,

**SAIBER SCHLESINGER SATZ &
GOLDSTEIN, LLC**

By: /s/ Ernest E. Badway
Ernest E. Badway (EB-0105)
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